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ZNY CCCCC ZZH
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FM AMEMBASSY YEREVAN
TO RUEHC/SECSTATE WASHDC 9717
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHAK/AMEMBASSY ANKARA 1845
RUEHKB/AMEMBASSY BAKU 1216
RUEHIT/AMCONSUL ISTANBUL 0824

C O N F I D E N T I A L SECTION 01 OF 03 YEREVAN 000789

SIPDIS

E.O. 12958: DECL: 11/09/2019
TAGS: [PBTS](#) [PGOV](#) [PREL](#) [TU](#) [AJ](#) [AM](#)
SUBJECT: FATE OF PROTOCOLS--DEPENDS ON TURKEY'S RATIFICATION

REF: A. ANKARA 1569
[1](#)B. YEREVAN 676
[1](#)C. YEREVAN 688
[1](#)D. YEREVAN 689

Classified By: CDA Joseph Pennington, for reasons 1.4 (b,d).

SUMMARY

[1](#)1. (C) In light of the executive branch's dominance of the unicameral National Assembly, where President Sargsian's ruling Republican party and its loyal coalition partners control 97 out of 131 seats, ratification of the protocols to normalize Turkish-Armenian relations is essentially a one-man decision -- the president's. Given vocal Diaspora and domestic opposition to the protocols, however, including allegations that Sargsian is secretly appeasing Turkey with concessions to Azerbaijan on Nagorno-Karabakh while abandoning international recognition of the "genocide," President Sargsian is loath to stick his neck out further than he already has, and awaits Turkey's ratification before he reciprocates. Recent comments by Foreign Minister Edward Nalbandian and Republican Party leaders indicate "next spring" as a deadline for Turkey to ratify the protocols -- suggesting that absent Turkish action well before April 24, the 95th anniversary of the Armenian "genocide," the GOAM will have moved on, normalization having failed. END SUMMARY.

THE BUREAUCRATIC PROCESS--IT REALLY DOESN'T MATTER (YET)

[1](#)2. (C) Armenia's convoluted bureaucratic process for the approval of international treaties and agreements essentially operates at a pace dictated by the executive branch. If this branch wants something fast, it gets it; conversely, if it wants to drag things out, it can easily do so.

[1](#)3. (C) In light of the robust criticism from his Diaspora and domestic opponents, and with Turkish leaders' problematic comments linking normalization with concessions on NK (ref B), Sargsian has little room for maneuver. If Turkey ratifies the protocols by "next spring," however, with Sargsian's domestic opponents convinced that it has cost Armenia nothing on NK, the president will likely initiate a swift, pro forma ratification process. But until Turkey ratifies the protocols, one can reasonably expect that Sargsian will employ the bureaucratic prerogatives at his disposal to control the pace of the process, deliberately slowing it down, or turning it off altogether if he sees the Turks as not serious about normalization.

NITTY-GRITTY OF RATIFICATION PROCESS

14. (C) The details of the bureaucratic process for ratification of the protocols follow--as gleaned by Post from working contacts at the Ministry of Foreign Affairs and Post's own review of Armenia's laws and procedures on ratifying international agreements and treaties. (Note: Interestingly, but not surprisingly, Foreign Minister Nalbandian told the Ambassador on October 27 that the protocols have an "expiration date," i.e., they can expire if kept too long in bureaucratic limbo. Post went back to the MFA's top lawyer to check on this, and it appears Nalbandian was either dramatizing the situation, or poorly informed on the mechanics of the approval process. End Note.) In the five-stage process, Armenia is currently still at the first stage, denoted in the first bullet below.

- a) The MFA initiates an inter-agency review of the protocols by the Ministries of Finance and Justice.
- b) The MFA then submits the protocols to the president, with supporting documentation from the inter-agency review process.
- c) The president submits the protocols to the Constitutional (Supreme) Court to ascertain whether the protocols comply with Armenian laws, and whether Armenia needs to modify its laws as a result of accepting the protocols.
- d) After the review by the Constitutional Court, the president submits the protocols to the National Assembly (parliament) for consideration.
- e) Once approved by a general session of the National

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Assembly, the protocols must be signed by the president.

"REASONABLE TIME FRAME" MEANS BY "GENOCIDE" DAY?

15. (C) One of the points that the Armenians have stressed throughout the normalization process (and long before it) is their expectation of concrete action from Turkey within a "reasonable time frame." Interlocutors invariably complain that years of Turkish talk of opening the border without action has made them wary of Turkish intentions. Former President Robert Kocharian told the Ambassador this as recently as September 25 (ref C). This wariness became even more amplified inside Armenia's cynical political establishment as time elapsed without action following the joint Turkish-Armenian April 22 announcement of an agreed road map to normalize relations.

16. (C) Some officials have recently begun to cite "next spring" as a more concrete deadline, which some local observers interpret as a euphemism for before April 24, the 95th anniversary of the Armenian "genocide." This is the day when thousands of Armenians pay their respects at Armenia's Genocide memorial in Yerevan; it is also the day that the Armenian Diaspora in the U.S. focuses on the annual proclamation by the U.S. President, in hopes that it will include language describing the early 20th century events in Ottoman Turkey as "genocide." However, the real deadline for the GOAM will likely come well before April 24. Vigen Sargsian, the President's Deputy Chief of Staff, recently told the EU Ambassador that Armenia could not sustain its current position on the protocols much beyond the end of January, absent movement toward ratification by Turkey.

PREPARING AN EXIT STRATEGY IN CASE OF FAILURE

17. (C) On October 13, a day before President Sargsian departed for Turkey to attend the October 14 soccer match at the invitation QD.|Q~9Xearly on October 10, the evening on which the protocols

were signed, saying that Yerevan will take "appropriate steps" if Turkey does not ratify the protocols "within a reasonable time frame."

¶8. (C) On October 30, Foreign Minister Nalbandian told Reuters that he was surprised by the spate of public statements by Turkish leaders who say they want to see progress in negotiations between Armenia and Azerbaijan on NK before Turkey's parliament ratifies the protocols. "Why did we sign the protocols if we are not going to ratify and implement them?" Nalbandian said. He added in a thinly veiled reference to Turkey that "if one of the sides will delay and create obstacles to ratification and implementation, I think it should take all the responsibility for the negative consequences."

¶9. (C) On November 2, President Sargsian defended his conciliatory policy on Turkey at a meeting of top Armenian clerical and secular church representatives chaired by the Catholicos, the leader of Armenia's Apostolic Church, assuring those present that he had not abandoned efforts at international recognition of the "genocide," and that the normalization process was in no way linked to the NK conflict. But President Sargsian also commented that Armenia has devised contingency plans for various "possible scenarios of the process of normalizing relations with Turkey," suggesting that he is gaming out how to spin failure of the process. Some observers predict that Sargsian would play the nationalist card, whipping up anti-Turkish sentiment to protect himself against charges of diplomatic incompetence (ref D).

COMMENT

¶10. (C) For Sargsian, the most biting criticism is that he is being played by the Turks. If Armenia were to ratify first, Sargsian fears he would play into this core domestic (and Diaspora) critique and risk being stranded at the protocol altar. Moreover, to wait beyond April 24 for Turkish

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ratification would invite a crescendo of attacks along similar lines--that Sargsian has made himself a willing tool in the 2009 installment of Turkish efforts to head off genocide recognition. Consequently, the President will be under huge pressure to pull the plug on normalization before the genocide debate begins to heat up in late February unless Turkey takes steps to ratify the protocols.

¶11. (C) For Sargsian, the normalization narrative unfolding could still cast him in the role of conquering hero if ratification on both sides proceeds and the borders open. Worse, but still acceptable, he believes he could come out as the tragic hero if his bold, courageous moves are ultimately foiled by Turkish double dealing. But the one role he is unwilling to play is the fool. Thus, he will be steadfast, will wait for the Turks to move, but won't wait for long.
PENNINGTON